

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment, to claim 11, was given in a telephone interview with Attorney Garth Dahlen on 10/18/2010. It is noted that other amendments are necessitated by the renumbering of claims.

- a. Claim 1: Cancelled.
- b. Claim 2: Cancelled.
- c. Claim 3: Cancelled.
- d. Claim 4: Cancelled.
- e. Claim 5: Cancelled.
- f. Claim 6: Cancelled.
- g. Claim 7: Cancelled.
- h. Claim 8: Cancelled.
- i. Claim 9: Cancelled.
- j. Claim 10: Cancelled.
- k. Claim 11: Renumber "Claim 11" to "Claim 1".
  - i. Replace "bounded" (line 2) after "electrode layer" (line 2) and before "onto a current collector" (line 2) with "bound".
- l. Claim 12: Cancelled.
- m. Claim 13: Cancelled.

- n. Claim 14: Renumber "Claim 14" to "Claim 2".
  - i. Replace "according to claim 11" (line 1) after "capacitor" (line 1) and before ", wherein" (lines 1-2) with "according to claim 1".
- o. Claim 15: Renumber "Claim 15" to "Claim 3".
  - i. Replace "according to claim 11" (line 1) after "capacitor" (line 1) and before ", wherein" (lines 1-2) with "according to claim 1".
- p. Claim 16: Renumber "Claim 16" to "Claim 4".
  - i. Replace "according to claim 11" (line 1) after "capacitor" (line 1) and before ", wherein" (lines 1-2) with "according to claim 1".
- q. Claim 17: Renumber "Claim 17" to "Claim 5".
  - i. Replace "according to claim 15" (line 1) after "capacitor" (line 1) and before ", wherein" (lines 1-2) with "according to claim 3".

***Statement of Reasons for allowance***

- 2. Present claims are allowed over the closest prior art for the following reasons -
  - a. It is noted that present claims are directed to an electric double layer capacitor having an electrolyte and an electrode containing an electrode layer bound onto a current collector; wherein the electrode layer comprises a carbonaceous material and a binder polymer which comprises 50 to 98% by mole of monomer units (a) derived from  $\text{CH}_2=\text{CR}^1\text{-COOR}^2$  wherein  $\text{R}^1$  represents a hydrogen atom or an alkyl group, and  $\text{R}^2$  represents an alkyl group having 2 to 18 carbon atoms or a cycloalkyl group having 3 to 18 carbon atoms; 1 to 30% by mole of monomer units (b) derived from acrylonitrile; 0.1 to 10% by mole of monomer units (c)

derived from a multifunctional ethylenically unsaturated carboxylic acid ester; and has a  $T_g$  from  $-80$  to  $0^{\circ}\text{C}$ , wherein the electrolyte includes tetraethylammonium tetrafluoroborate, triethylmonomethylammonium tetrafluoroborate or tetraethylammonium hexafluorophosphate.

- b. Yamakawa et al (US 2002/0034686 A1) disclose slurry comprising a binder and an active material, for use in electric double layer capacitor. The binder comprises (meth)acrylate monomers in combination with methacrylonitrile and teaches away from using acrylonitrile as structural units of the binder. The binder comprising acrylonitrile shows lower electrochemical stability and retention capacity. Nakayama et al (WO 03/036744) disclose the slurry composition for use in electrochemical capacitors. The binder comprises instantly claimed monomers in the recited amounts. However, Nakayama et al qualifies as a prior art under 103(a) based on a 102(a). Applicant's claimed priority to a foreign application (JP 2003-074563 filed 3/18/2003) and the rejection based on 102(a) can be overcome by perfecting the foreign priority document, see MPEP 706.02(b). Applicant's perfected the foreign priority document by submission of an English translation of the priority document. Hence, the rejection based on Nakayama et al is withdrawn.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARUNA P. REDDY whose telephone number is (571)272-6566. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. P. R./  
Examiner, Art Unit 1764

/Vasu Jagannathan/  
Supervisory Patent Examiner, Art Unit 1764